

## REMARKS

### **35 U.S.C. 112(2)**

It is submitted that the amended claims will remove the objections for indefiniteness.

For claim 1 and 12: The wordings "alkali metals", "alkaline earth metals", "transition metals" "main group elements" and "f elements" have been put in parenthesis after each group of substances, in order to avoid confusion.

For claim 1 and 12: The wording "whereby x, y and z are all independently  $> 0$ " have been added, in order to clarify the claims. Support for this amendment can be found in the description page 8, line 8-15, from where it can be deduced that each of x, y and z must be larger than 0.

For claim 10 and 12: The wording "corresponding to the desired composition" has been deleted, in order to clarify the claims.

For claim 4 and 5: "Ratio" has been amended to "atomic ratio" in accordance with claim 1, in order to clarify the claim.

### **35 USC §102 and 103**

US-A-4859639 (Sterzel) discloses a method for producing amorphous silicone nitride powder. The glass material of the present invention is not disclosed.

US-A-6242132 (Neudecker) discloses a silicon-tin oxynitride glass composition. Sn is excluded from the composition of claim 1.

US-A-3676343 (Dietz) discloses amorphous boron silicone nitride material. A material having an electropositive element ( $\alpha$ ) according to claim 1 is not disclosed

JP2001-214162 discloses a magnetic glass substrate for magnetic discs, wherein the material is of the classes Li-Si-O-N-C, or Na-Si-O-N-C, or Mg-Si-Al-O-N-C and Ca-Si-Al-O-N-C. Some physical parameters are mentioned, e.g. modulus strength of 100 GPa. The nitrogen content is limited to 15 %, and therefore claim 1 is novel in view of this material.

**§102**

None of the cited documents disclose a glass material having the composition of claim 1. Thus claim 1 is novel, and as a result, dependent claims 2-9 are also novel. Further, claim 10, referring to a method for preparing a nitride glass of claim 1-9 is also novel, since the method of preparation is not known from any of the cited documents. The same applies for dependent claim 11. Claim 12, referring to a nitride glass, is also novel, since the nitride glass is not disclosed in any of the cited documents.

**§103**

Sterzel discloses an amorphous powder. Clearly, an amorphous powder would not have the properties of a glass material. Therefore, the glass material of the invention would not be obvious in view of Sterzel.

The unexpected effects of the nitride glass in accordance with claim 1 is achieved by a process resulting in a glass having very good properties with regard to e.g. refractivity index and hardness. This is a result of using Si-based oxides/nitrides in a process requiring high temperature treatment thereby resulting in a nitride glass having a higher N-content than previously known.

Neudecker discloses a silicon-tin oxynitride glass composition for use in lithium battery applications. One difference of the glass of Neudecker compared to claim 1 is that it comprises tin. Tin would not be possible to include in the glasses of claim 1 since it is too volatile and would evaporate during heating of the glass composition of claim 1.

Would the invention be obvious in view of Sterzel or Neudecker? The answer is (1) that it is unlikely that the skilled person wanting to solve a problem in the art of providing a glass composition having desirable glass properties would turn to a document focused on electrochemical applications (Neudecker) in order to solve his problem. (2) Even if he would turn to Neudecker, he would not find his solution since Neudecker shows glass composition comprising Sn, which is not possible to include in the glass of the invention for the reasons outlined above.

Accordingly, claim 1 would not be obvious to the skilled person. In accordance therewith, dependent claims 2-9 are non-obvious.

Analogously, claims 10-20 are non-obvious.

In the event there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

No additional fees are believed to be due at this time however if necessary to effect a timely response the Commissioner is authorised to deduct the necessary fees from Deposit account No. 501249.

Respectfully submitted,

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